

**From:** Nathan Potter  
**To:** Microsoft ATR  
**Date:** 12/7/01 12:39pm  
**Subject:** Inadequate Penalties

To Whom It May Concern,

It is a pretty sad state of affairs when the government appears to be incapable of enforcing its own laws. Microsoft has been found guilty of monopolistic activities. They have received no substantive penalty, and from all that I can ascertain from following the media your organization has no intention of calling for or enforcing such penalties.

Why?

The settlement in which Microsoft has agreed to donate software, (refurbished) hardware, and services to the nation's poorest schools is disgrace to our justice system: What should be a penalty for Microsoft is really just an opportunity for them to increase their already dominant and heavily entrenched market position. By "donating" their software to schools they establish a long term dependence on their products which they may (and most likely will) choose to charge for in the future. This "donation" will result in the training of thousands of new and impressionable users to use their products. In addition, the value of this "donation" will be calculated at the MSRP for these software products, while the actual cost to Microsoft will only be for the replication and media.

How can anyone make a cogent argument that this arrangement represents a penalty?

Lastly, Microsoft's current development path, the .NET initiative is a blatant effort to eliminate what little competition they have left. It presents significant invasion of privacy and intellectual property issues, and as far as I can see is not possible to opt out of. To my knowledge no legal challenge to .NET has been forthcoming. As usual Microsoft continues to do whatever they wish, moving so quickly that by the time the legal justice system can take issue with their behaviour they have moved on to a new arena of endeavour.

Why does the D.O.J. not take a more active and aggressive role in dealing with the arrogant and combative behaviours of Microsoft? I can only speculate, but I must say that it is a sad state of affairs when a major corporation is allowed to run roughshod over the laws of our country.

I respectfully request that your organization deal with Microsoft in a much more aggressive manner. So far what I see is a corporation found guilty of violating the sherman anti-trust act, and that subsequently has refused to submit to punishment.

I thought it was the job of the D.O.J. to see that the laws were enforced in this type of case. Do I misunderstand the role of the D.O.J. in this? If not then why isn't it (law enforcement w.r.t. Microsoft) happening?

Sincerely,

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